

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

AMAZON.COM, INC. and AMAZON
DATA SERVICES, INC.,

Plaintiffs,

v.

WDC HOLDINGS LLC dba NORTHSTAR
COMMERCIAL PARTNERS; BRIAN
WATSON; STERLING NCP FF, LLC;
MANASSAS NCP FF, LLC; NSIPI
ADMINISTRATIVE MANAGER; NOVA
WPC LLC; WHITE PEAKS CAPITAL LLC;
VILLANOVA TRUST; CASEY
KIRSCHNER; ALLCORE DEVELOPMENT
LLC; FINBRIT HOLDINGS LLC;
CHESHIRE VENTURES LLC; CARLETON
NELSON; JOHN DOES 1-20,

Defendants.

CASE NO. 1:20-CV-484-LO-TCB

800 HOYT LLC,

Intervening Interpleader
Plaintiff

v.

BRIAN WATSON, WDC HOLDINGS, LLC,
PLW CAPITAL I, LLC, BW HOLDINGS,
LLC, AMAZON.COM, INC., and AMAZON
DATA SERVICES, INC.

Interpleader Defendants.

**DECLARATION OF TODD W. SHAW IN SUPPORT OF PLAINTIFFS' RESPONSE TO
MOTION BY DEFENDANTS BRIAN WATSON AND WDC HOLDINGS LLC FOR A
RULE 16 CONFERENCE**

I, Todd W. Shaw hereby declare, under penalty of perjury, as follows:

1. I am over the age of 18 years. I have personal knowledge of the facts set forth below, and if called upon to do so, I could and would competently testify thereto.

2. I am an attorney licensed to practice law in the State of Texas and the District of Columbia. I am an attorney at the law firm of Gibson, Dunn & Crutcher, LLP (“Gibson Dunn”), and counsel for Amazon.com, Inc. and Amazon Data Services, Inc. (collectively “Plaintiffs” or “Amazon”). I make this declaration in support of Plaintiffs’ Response To Motion By Defendants Brian Watson And WDC Holdings LLC For A Rule 16 Conference. If called as a witness, I could and would testify to the same as stated herein.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email from Stanley Garnett at Brownstein Hyatt Farber Schreck, counsel for Defendants Brian Watson and WDC Holdings LLC, to Elizabeth Papez at Gibson Dunn, counsel for Plaintiffs, copying Greg Brower and Michael Freimann at Brownstein, and Patrick Stokes at Gibson Dunn, dated April 30, 2020, in which Stanley Garnett states: “[W]e are authorized to represent and accept service for Brian Watson and WDC Holdings, LLC in the EDVA case you have filed.”

4. Attached hereto as **Exhibit 2** is a true and correct copy of a proof of service from Amazon’s registered agent dated May 7, 2020, attesting to having served Defendant WDC Holdings LLC dba Northstar Commercial Partners with a summons and the Verified Complaint on May 7, 2020.

5. Attached hereto as **Exhibit 3** is a true and correct copy of an email from Elizabeth Papez at Gibson Dunn to Stanley Garnett at Brownstein, copying Greg Brower and Michael Freimann at Brownstein, James Trusty at Ifrah Law, counsel for Defendants Brian Watson and WDC Holdings LLC, and Lora MacDonald and Travis Andrews at

Gibson Dunn, dated May 1, 2020, in which Elizabeth Papez states: “This message constitutes summons and service of the Verified Complaint ‘by email’ as authorized by the Court. (See Dkt. 16 at 5.)” Attached to the email were: (i) summonses for, among other Defendants, Brian Watson and WDC Holdings LLC; (ii) the Verified Complaint; and (iii) this Court’s Order Granting Plaintiffs’ Emergency Motion To Modify The April 28, 2020 *Ex Parte* Protective Order Temporarily Sealing Documents, Dkt. 24.

6. Attached hereto as **Exhibit 4** is a true and correct copy of a proof of service from Amazon’s registered agent dated May 8, 2020, attesting to having served Defendant Sterling NCP FF, LLC with a summons and the Verified Complaint on May 7, 2020.

7. Attached hereto as **Exhibit 5** is a true and correct copy of a proof of service from Amazon’s registered agent dated May 8, 2020, attesting to having served Defendant Manassas NCP FF, LLC with a summons and the Verified Complaint on May 7, 2020.

8. Attached hereto as **Exhibit 6** is a true and correct copy of a proof of service from Amazon’s registered agent dated May 12, 2020, attesting to having served Defendant NSIPI Administrative Manager, LLC with a summons and the Verified Complaint on May 11, 2020.

9. Attached hereto as **Exhibit 7** is a true and correct copy of an email from Elizabeth Papez at Gibson Dunn to Jamie Hubbard at Stimson Stancil LaBranche Hubbard, counsel for Defendants White Peaks Capital LLC and NOVA WPC LLC, copying Patrick Stokes, Travis Andrews, Christine Budasoff, Todd Shaw, Jack Heyburn, and Lora MacDonald at Gibson Dunn, dated May 2, 2020. Attached to the email were: (i) a summons for Defendant White Peaks Capital LLC; (ii) the Verified Complaint; and (iii) this Court’s

Order Granting Plaintiffs' Motion For An *Ex Parte* Temporary Restraining Order And Order To Show Cause Why A Preliminary Injunction Should Not Issue, Dkt. 16.

10. Attached hereto as **Exhibit 8** is a true and correct copy of an email chain including Elizabeth Papez, Patrick Stokes, Travis Andrews, Christine Budasoff, Todd Shaw, Jack Heyburn, and Lora MacDonald at Gibson Dunn, and Jamie Hubbard at Stimson, dated May 2, 2020. The email chain reflects that on May 2, 2020: (i) Jamie Hubbard stated to Elizabeth Papez that Jamie Hubbard "can accept service . . . on behalf of NOVA WPC a[nd]" Defendant White Peaks Capital LLC; and (ii) Elizabeth Papez sent Jamie Hubbard a summons for Defendant NOVA WPC LLC.

11. Attached hereto as **Exhibit 9** is a true and correct copy of a proof of service from Amazon's registered agent dated May 11, 2020, attesting to having served Defendant Villanova Trust with a summons and the Verified Complaint on May 8, 2020.

12. Attached hereto as **Exhibit 10** is a true and correct copy of a proof of service from Amazon's registered agent dated August 12, 2020, attesting to having served Defendant Casey Kirschner with a summons and the Corrected Verified First Amended Complaint on August 7, 2020.

13. Attached hereto as **Exhibit 11** is a true and correct copy of a proof of service from Amazon's registered agent dated August 10, 2020, attesting to having served Defendant Cheshire Ventures LLC with a summons and the Corrected Verified First Amended Complaint on August 7, 2020.


14. Attached hereto as **Exhibit 12** is a true and correct copy of a proof of service from Amazon's registered agent dated August 12, 2020, attesting to having served

Defendant Carleton Nelson with a summons and the Corrected Verified First Amended Complaint on August 10, 2020.

15. Since Plaintiffs served them with the Verified or Corrected Verified First Amended Complaint, Defendants WDC Holdings LLC, Brian Watson, Sterling NCP FF, LLC, Manassas NCP FF, LLC, NSIPI Administrative Manager, NOVA WPC LLC, White Peaks Capital LLC, Villanova Trust, Casey Kirschner, Cheshire Ventures LLC, and Carleton Nelson have been served with the Verified Second Amended Complaint, Dkt. 150, by mail at their last known address, pursuant to Fed. R. Civ. P. 5(b)(2)(C).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on November 4, 2021.



Todd W. Shaw